

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

ROBERT BERNARDI,

Defendant.

**ORDER**

21 Cr. 616 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

The parties object to the two-level enhancement for “sophisticated means” imposed in the Pre-Sentence Report (“PSR”). See PSR (Dkt. No. 68) at ECF 10, 19; see also U.S.S.G. § 2B1.1(b)(10)(C). Application Note 9(B) to U.S.S.G. §2B1.1 states that “sophisticated means” “means especially complex or especially intricate offense conduct pertaining to the execution or concealment of an offense.” The Probation Officer finds that,

in preparing fabricated bank statements and misleading audit materials, [Defendant Bernardi] and his co-conspirators were adding a level of sophistication to the [fraud] scheme. The documents prepared were fabricated and falsified to a degree that convinced investors to lend the company millions of dollars, and represents a level of intricacy and knowledge to support the involvement of sophisticated means in the offense.

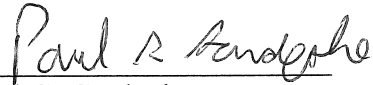
(Id. at ECF 19)

By January 20, 2023 at 10:00 a.m., the Government will produce to the Court copies of (1) the fraudulent audited financial statements referenced in Paragraph 15 of the PSR; (2) the fabricated fraudulent bank statements referenced in Paragraph 16 of the PSR; (3) the fabricated lawyer’s letter referenced in Paragraph 17 of the PSR; (4) the emails referenced in Paragraph 21 of the PSR; and (5) the altered bank statements referenced in Paragraph 23 of the

PSR, as well as any other fraudulent documents prepared by Defendant Bernardi that are in the Government's possession.

Dated: January 18, 2023  
New York, New York

SO ORDERED.

  
Paul G. Gardephe  
United States District Judge